

HOUSE BILL No. 1988

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-8.

Synopsis: Police officers' pension benefits. Provides that members of the 1977 police officers' and firefighters' retirement and disability fund who are police officers may retire with full benefits at 50 years of age and may retire with reduced benefits at 48 years of age. Provides that the retirement benefit payable to a police officer who is a member of the 1977 fund is based on the average monthly salary earned by the police officer in the three years during which the member's salary was the greatest. Provides that a police officer who is a member of the 1977 fund vests in the fund after ten years of service. Provides that a police officer who is a member of the 1977 fund who is disabled before reaching 50 years of age is entitled to a monthly benefit determined as
(Continued next page)

Effective: July 1, 1999.

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January 27, 1999, read first time and referred to Committee on Ways and Means.



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Digest Continued

if the member were retiring at 50 years of age. Provides that 1977 fund benefits payable to a police officer for certain impairments are payable until the member reaches age 50, at which time the member is entitled to receive the retirement benefit payable at 50 years of age. For a police officer who is a member of the 1977 fund, reduces to age 50 the age limit for the calculation of benefits paid for certain impairments, and requires the impaired member's subsequent retirement benefit to be calculated based on full retirement at 50 years of age.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1988

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-8-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Each fund member shall
3 contribute during the period of his employment or for thirty-two (32)
4 years, whichever is shorter, an amount equal to six percent (6%) of the
5 salary of a first class patrolman or firefighter. However, the employer
6 may pay all or a part of the contribution for the member. The amount
7 of the contribution, other than contributions paid on behalf of a
8 member, shall be deducted each pay period from each fund member's
9 salary by the disbursing officer of the employer. The employer shall
10 send to the PERF board each year on March 31, June 30, September
11 30, and December 31, for the calendar quarters ending on those dates,
12 a certified list of fund members and a warrant issued by the employer
13 for the total amount deducted for fund members' contributions.
14 (b) If a fund member ends his employment other than by death or
15 disability before he completes:

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1 **(1) twenty (20) years of active service, if a firefighter; or**
 2 **(2) ten (10) years of active service, if a police officer;**
 3 the PERF board shall return to him in a lump sum his contributions
 4 plus interest as determined by the PERF board. If the fund member
 5 returns to service, he is entitled to credit for the years of service for
 6 which his contributions were refunded if he repays the amount
 7 refunded to him in either a lump sum or a series of payments
 8 determined by the PERF board.

9 SECTION 2. IC 36-8-8-10 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A fund member
 11 is eligible for retirement after he has completed:

- 12 **(1) twenty (20) years of active service, if a firefighter; or**
 13 **(2) ten (10) years of active service, if a police officer.**

14 (b) Unless the member is receiving benefits under subsection (c),
 15 unreduced benefits to a retired fund member begin the date:

- 16 (1) the fund member becomes:
 17 **(A) fifty-two (52) years of age, if a firefighter; or**
 18 **(B) fifty (50) years of age, if a police officer; or**
 19 (2) on which the fund member retires;

20 whichever is later. Benefit payments to a retired fund member under
 21 this subsection begin on the first day of the month on or after the date
 22 he reaches fifty-two (52) years of age, **if a firefighter, or fifty (50)**
 23 **years of age, if a police officer,** or on which he retires, whichever is
 24 later.

25 (c) A retired member may elect to receive actuarially reduced
 26 benefits that begin the date:

- 27 (1) the fund member becomes:
 28 **(A) fifty (50) years of age, if a firefighter; or**
 29 **(B) forty-eight (48) years of age, if a police officer; or**
 30 (2) on which the fund member retires;

31 whichever is later. Benefit payments to a retired fund member under
 32 this subsection begin on the first day of the month on or after the day
 33 the member reaches fifty (50) years of age, **if a firefighter, or**
 34 **forty-eight (48) years of age, if a police officer,** or on which the
 35 member retires, whichever is later.

36 (d) If a fund member:

- 37 (1) becomes:
 38 **(A) fifty-two (52) years of age, if a firefighter, or fifty (50)**
 39 **years of age, if a police officer,** in the case of unreduced
 40 benefits; or
 41 **(B) fifty (50) years of age, if a firefighter, or forty-eight (48)**
 42 **years of age, if a police officer,** in the case of reduced



1 benefits; or
 2 (2) retires on a date other than on the first day of the month;
 3 the amount due the fund member for the initial partial monthly benefit
 4 is payable together with the regular monthly benefit on the first of the
 5 month following the date the fund member becomes fifty-two (52) or
 6 fifty (50) years of age, respectively, **if a firefighter, or becomes fifty**
 7 **(50) or forty-eight (48) years of age, respectively, if a police officer,**
 8 or retires, whichever is later.

9 SECTION 3. IC 36-8-8-11 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) Benefits paid
 11 under this section are subject to section 2.5 of this chapter.

12 (b) Each fund member who qualifies for a retirement benefit
 13 payment under section 10(b) of this chapter is entitled to receive a
 14 monthly benefit equal to fifty percent (50%) of:

15 **(1) for a firefighter,** the monthly salary of a first class ~~patrolman~~
 16 ~~or~~ firefighter in the year the member ended his active service
 17 plus:

18 ~~(1)~~ **(A)** for a member who retires before January 1, 1986, two
 19 percent (2%) of that salary for each full year of active service;
 20 or

21 ~~(2)~~ **(B)** for a member who retires after December 31, 1985, one
 22 percent (1%) of that salary for each six (6) months of active
 23 service;

24 over twenty (20) years, to a maximum of twelve (12) years; **or**

25 **(2) for a police officer, the average monthly salary that the**
 26 **member earned in the three (3) years of active service during**
 27 **which the member's yearly salary was the greatest, plus one**
 28 **percent (1%) of that average salary for each six (6) months of**
 29 **active service over ten (10) years, to a maximum of twelve (12)**
 30 **years.**

31 (c) Each fund member who qualifies for a retirement benefit
 32 payment under section 10(c) of this chapter is entitled to receive a
 33 monthly benefit equal to fifty percent (50%) of:

34 **(1) for a firefighter,** the monthly salary of a first class ~~patrolman~~
 35 ~~or~~ firefighter in the year the member ended his active service plus
 36 one percent (1%) of that salary for each six (6) months of active
 37 service over twenty (20) years, to a maximum of twelve (12)
 38 years; **or**

39 **(2) for a police officer, the average monthly salary that the**
 40 **member earned in the three (3) years of active service during**
 41 **which the member's yearly salary was the greatest, plus one**
 42 **percent (1%) of that average salary for each six (6) months of**



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1 **active service over ten (10) years, to a maximum of twelve (12)**
 2 **years;**

3 all actuarially reduced for each month (if any) of benefit payments prior
 4 to fifty-two (52) years of age, **if a firefighter, or fifty (50) years of**
 5 **age, if a police officer,** by a factor established by the fund's actuary
 6 from time to time.

7 SECTION 4. IC 36-8-8-12 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) Benefits paid
 9 under this section are subject to sections 2.5 and 2.6 of this chapter.

10 (b) If an active fund member has a covered impairment, as
 11 determined under sections 12.3 through 13.1 of this chapter, the
 12 member is entitled to receive the benefit prescribed by section 13.3 or
 13 13.5 of this chapter. A member who has had a covered impairment and
 14 returns to active duty with the department shall not be treated as a new
 15 applicant seeking to become a member of the 1977 fund.

16 (c) If a retired fund member who has not yet reached the member's
 17 fifty-second birthday, **if a firefighter, or fiftieth birthday, if a police**
 18 **officer,** is found by the PERF board to be permanently or temporarily
 19 unable to perform all suitable work for which the member is or may be
 20 capable of becoming qualified, the member is entitled to receive during
 21 the disability the retirement benefit payments payable at fifty-two (52)
 22 years of age, **if a firefighter, or fifty (50) years of age, if a police**
 23 **officer.** During a reasonable period in which a disabled fund member
 24 is becoming qualified for suitable work, the member may continue to
 25 receive disability benefit payments. However, benefits payable for
 26 disability under this subsection are reduced by amounts for which the
 27 fund member is eligible from:

28 (1) a plan or policy of insurance providing benefits for loss of
 29 time because of disability;

30 (2) a plan, fund, or other arrangement to which the fund member's
 31 employer has contributed or for which the fund member's
 32 employer has made payroll deductions, including a group life
 33 policy providing installment payments for disability, a group
 34 annuity contract, or a pension or retirement annuity plan other
 35 than the fund established by this chapter;

36 (3) the federal Social Security Act (42 U.S.C. 401 et seq.), the
 37 Railroad Retirement Act (45 U.S.C. 231 et seq.), the United States
 38 Department of Veterans Affairs, or another federal, state, local, or
 39 other governmental agency;

40 (4) worker's compensation payable under IC 22-3; and

41 (5) a salary or wage, including overtime and bonus pay and extra
 42 or additional remuneration of any kind, the fund member receives



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or is entitled to receive from the member's employer.

For the purposes of this subsection, a retired fund member is considered eligible for benefits from subdivisions (1) through (5) whether or not the member has made application for the benefits.

(d) Notwithstanding any other law, a plan, policy of insurance, fund, or other arrangement:

(1) delivered, issued for delivery, amended, or renewed after April 9, 1979; and

(2) described in subsection (c)(1) or (c)(2);

may not provide for a reduction or alteration of benefits as a result of benefits for which a fund member may be eligible from the 1977 fund under subsection (c).

(e) Time spent receiving disability benefits is considered active service for the purpose of determining retirement benefits until the fund member has a total of twenty (20) years of service, **if a firefighter, or ten (10) years of service, if a police officer.**

SECTION 5. IC 36-8-8-13.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13.3. (a) This section applies only to a fund member who:

(1) is hired for the first time before January 1, 1990; and

(2) does not choose coverage by sections 12.5 and 13.5 of this chapter under section 12.4 of this chapter.

This section does not apply to a fund member described in section 12.3(c)(2) of this chapter.

(b) A fund member who is determined to have a covered impairment and for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, is entitled to receive during the disability a benefit equal to the benefit that the fund member would have received if the fund member had retired. If the disabled fund member does not have:

(1) at least twenty (20) years of service or is not at least fifty-two (52) years of age, **if a firefighter; or**

(2) **at least ten (10) years of service or is not at least fifty (50) years of age, if a police officer;**

the benefit is computed and paid as if the fund member had twenty (20) years of service and was fifty-two (52) years of age, **if a firefighter, or had ten (10) years of service and was fifty (50) years of age, if a police officer.**

(c) Notwithstanding section 12.3 of this chapter and any other provision of this section, a member who:



- (1) has had a covered impairment;
- (2) recovers and returns to active service with the department; and
- (3) within two (2) years after returning to active service has an impairment that except for section 12.3 of this chapter would be a covered impairment;

is entitled to the benefit under this subsection if the impairment described in subdivision (3) results from the same condition or conditions (without an intervening circumstance) that caused the covered impairment described in subdivision (1). The member is entitled to receive the monthly disability benefit amount paid to the member at the time of the member's return to active service plus any adjustments under section 15 of this chapter that would have been applicable during the member's period of reemployment.

SECTION 6. IC 36-8-8-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13.5. (a) This section applies only to a fund member who:

- (1) is hired for the first time after December 31, 1989;
- (2) chooses coverage by this section and section 12.5 of this chapter under section 12.4 of this chapter; or
- (3) is described in section 12.3(c)(2) of this chapter.

(b) A fund member who is determined to have a Class 1 impairment and for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, is entitled to a monthly base benefit equal to forty-five percent (45%) of:

- (1) **for a firefighter**, the monthly salary of a first class ~~patrolman~~ **or firefighter** in the year of the local board's determination of impairment; **or**
- (2) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest.**

(c) A fund member who is determined to have a Class 2 impairment and for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, is entitled to a monthly base benefit equal to twenty-two percent (22%) of:

- (1) **for a firefighter**, the monthly salary of a first class ~~patrolman~~ **or firefighter** in the year of the local board's determination of impairment plus one-half percent (0.5%) of that salary for each year of service, up to a maximum of thirty (30) years of service;



or

(2) for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest, plus one-half percent (0.5%) of that average salary for each year of service, to a maximum of thirty (30) years of service.

(d) For applicants hired before March 2, 1992, a fund member who is determined to have a Class 3 impairment and for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, is entitled to a monthly base benefit equal to the product of the member's years of service (not to exceed thirty (30) years of service) multiplied by one percent (1%) of:

(1) for a firefighter, the monthly salary of a first class ~~patrolman~~ or firefighter in the year of the local board's determination of impairment; or

(2) for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest.

(e) For applicants hired after March 1, 1992, or described in section 12.3(c)(2) of this chapter, a fund member who is determined to have a Class 3 impairment and for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, is entitled to the following benefits instead of benefits provided under subsection (d):

(1) If the fund member did not have a Class 3 excludable condition under section 13.6 of this chapter at the time the fund member entered or reentered the fund, the fund member is entitled to a monthly base benefit equal to the product of the member's years of service, not to exceed thirty (30) years of service, multiplied by one percent (1%) of:

(A) for a firefighter, the monthly salary of a first class ~~patrolman~~ or firefighter in the year of the local board's determination of impairment; or

(B) for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest.

(2) Except as provided in subdivision (5), a fund member is entitled to receive the benefits set forth in subdivision (1) if:

(A) the fund member had a Class 3 excludable condition under



- 1 section 13.6 of this chapter at the time the fund member
 2 entered or reentered the fund;
 3 (B) the fund member has a Class 3 impairment that is not
 4 related in any manner to the Class 3 excludable condition
 5 described in clause (A); and
 6 (C) the Class 3 impairment described in clause (B) occurs after
 7 the fund member has completed four (4) years of service with
 8 the employer after the date the fund member entered or
 9 reentered the fund.
- 10 (3) Except as provided in subdivision (5), a fund member is not
 11 entitled to a monthly base benefit for a Class 3 impairment if:
 12 (A) the fund member had a Class 3 excludable condition under
 13 section 13.6 of this chapter at the time the fund member
 14 entered or reentered the fund; and
 15 (B) the Class 3 impairment occurs before the fund member has
 16 completed four (4) years of service with the employer after the
 17 date the fund member entered or reentered the fund.
- 18 (4) A fund member is not entitled to a monthly base benefit for a
 19 Class 3 impairment if:
 20 (A) the fund member had a Class 3 excludable condition under
 21 section 13.6 of this chapter at the time the fund member
 22 entered or reentered the fund; and
 23 (B) the Class 3 impairment is related in any manner to the
 24 Class 3 excludable condition.
- 25 (5) If, during the first four (4) years of service with the employer:
 26 (A) a fund member with a Class 3 excludable condition is
 27 determined to have a Class 3 impairment; and
 28 (B) the Class 3 impairment is attributable to an accidental
 29 injury that is not related in any manner to the fund member's
 30 Class 3 excludable condition;
 31 the member is entitled to receive the benefits provided in
 32 subdivision (1) with respect to the accidental injury. For purposes
 33 of this subdivision, the local board shall make the initial
 34 determination of whether an impairment is attributable to an
 35 accidental injury. The local board shall forward the initial
 36 determination to the director of the PERF board for a final
 37 determination by the PERF board or the PERF board's designee.
- 38 (f) If a fund member is entitled to a monthly base benefit under
 39 subsection (b), (c), (d), or (e), the fund member is also entitled to a
 40 monthly amount that is no less than ten percent (10%) and no greater
 41 than forty-five percent (45%) of:
 42 **(1) for a firefighter**, the monthly salary of a first class ~~patrolman~~



~~or~~ firefighter in the year of the local board's determination of impairment; **or**

(2) for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest.

The additional monthly amount shall be determined by the PERF medical authority based on the degree of impairment.

(g) Benefits for a Class 1 impairment are payable until the fund member becomes fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer.** Benefits for a Class 2 and a Class 3 impairment are payable:

(1) for a period equal to the years of service of the member, if:

(A) the member's total disability benefit is less than thirty percent (30%) of:

(i) **for a firefighter,** the monthly salary of a first class ~~patrolman~~ ~~or~~ firefighter in the year of the local board's determination of impairment; **or**

(ii) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest; and**

(B) the member has fewer than four (4) years of service; **or**

(2) until the member becomes fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer,** if the member's benefit is:

(A) equal to or greater than thirty percent (30%) of:

(i) **for a firefighter,** the monthly salary of a first class ~~patrolman~~ ~~or~~ firefighter in the year of the local board's determination of impairment; **or**

(ii) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest; or**

(B) less than thirty percent (30%) of:

(i) **for a firefighter,** the monthly salary of a first class ~~patrolman~~ ~~or~~ firefighter in the year of the local board's determination of impairment; **or**

(ii) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest;**

if the member has at least four (4) years of service.



(h) Upon becoming fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer**, a fund member with a Class 1 or Class 2 impairment is entitled to receive the retirement benefit payable to a fund member with:

(1) twenty (20) years of service, **if a firefighter, or ten (10) years of service, if a police officer**; or

(2) the total years of service and salary, as of the year the member becomes fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer**, that the fund member would have earned if the fund member had remained in active service until becoming fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer**;

whichever is greater.

(i) Upon becoming fifty-two (52) years of age, **if a firefighter, or fifty (50) years of age, if a police officer**, a fund member who is receiving or has received a Class 3 impairment benefit that is:

(1) equal to or greater than thirty percent (30%) of:

(A) **for a firefighter**, the monthly salary of a first class ~~patrolman~~ or firefighter in the year of the local board's determination of impairment; or

(B) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest; or**

(2) less than thirty percent (30%) of:

(A) **for a firefighter**, the monthly salary of a first class ~~patrolman~~ or firefighter in the year of the local board's determination of impairment; or

(B) **for a police officer, the average monthly salary that the member earned in the three (3) years of active service during which the member's yearly salary was the greatest;**

if the member has at least four (4) years of service;

is entitled to receive the retirement benefit payable to a fund member with twenty (20) years of service, **if a firefighter, or ten (10) years of service, if a police officer**.

(j) Notwithstanding section 12.3 of this chapter and any other provision of this section, a member who:

(1) has had a covered impairment;

(2) recovers and returns to active service with the department; and

(3) within two (2) years after returning to active service has an impairment that, except for section 12.3(b)(3) of this chapter, would be a covered impairment;



1 is entitled to the benefit under this subsection if the impairment
 2 described in subdivision (3) results from the same condition or
 3 conditions (without an intervening circumstance) that caused the
 4 covered impairment described in subdivision (1). The member is
 5 entitled to receive the monthly disability benefit amount paid to the
 6 member at the time of the member's return to active service plus any
 7 adjustments under section 15 of this chapter that would have been
 8 applicable during the member's period of reemployment.

9 SECTION 7. IC 36-8-8-14.1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14.1. (a) Benefits paid
 11 under this section are subject to section 2.5 of this chapter.

12 (b) If a fund member dies while receiving retirement or disability
 13 benefits, the following apply:

14 (1) Each of the member's surviving children is entitled to a
 15 monthly benefit equal to twenty percent (20%) of the fund
 16 member's monthly benefit:

17 (A) until the child reaches eighteen (18) years of age; or

18 (B) until the child reaches twenty-three (23) years of age if the
 19 child is enrolled in and regularly attending a secondary school
 20 or is a full-time student at an accredited college or university;

21 whichever period is longer. However, if the board finds upon the
 22 submission of satisfactory proof that a child who is at least
 23 eighteen (18) years of age is mentally or physically incapacitated,
 24 is not a ward of the state, and is not receiving a benefit under
 25 subdivision (1)(B), the child is entitled to receive an amount each
 26 month that is equal to the greater of thirty percent (30%) of the
 27 monthly pay of a ~~first class patrolman~~ or first class firefighter, **if**
 28 **a firefighter, or thirty percent (30%) of the average monthly**
 29 **salary that the member earned in the three (3) years of active**
 30 **service during which the member's yearly salary was the**
 31 **greatest, if a police officer,** or fifty-five percent (55%) of the
 32 monthly benefit the deceased member was receiving or was
 33 entitled to receive on the date of the member's death as long as the
 34 mental or physical incapacity of the child continues. Benefits paid
 35 for a child shall be paid to the surviving parent as long as the
 36 child resides with and is supported by the surviving parent. If the
 37 surviving parent dies, the benefits shall be paid to the legal
 38 guardian of the child.

39 (2) The member's surviving spouse is entitled to a monthly benefit
 40 equal to sixty percent (60%) of the fund member's monthly
 41 benefit during the spouse's lifetime. If the spouse remarried before
 42 September 1, 1983, and benefits ceased on the date of remarriage,



the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

If a fund member dies while receiving retirement or disability benefits, there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) If a fund member dies while on active duty or while retired and not receiving benefits, the member's children and the member's spouse, or the member's parent or parents, are entitled to receive a monthly benefit determined under subsection (b). If the fund member **was a:**

(1) firefighter and did not have at least twenty (20) years of service or was not at least fifty-two (52) years old, the benefit is computed as if the member:

(1) (A) did have twenty (20) years of service; and

(2) (B) was fifty-two (52) years of age; or

(2) police officer and did not have at least ten (10) years of service or was not at least fifty (50) years of age, the benefit is computed as if the member:

(A) did have ten (10) years of service; and

(B) was fifty (50) years of age.

(d) If a fund member dies in the line of duty after August 31, 1982, the member's surviving spouse is entitled to an additional monthly benefit during the spouse's lifetime, equal to the difference between the benefit payable under subsection (b)(2) and the benefit to which the member would have been entitled on the date of the member's death, but not less than the benefit payable to a member with twenty (20) years service at fifty-two (52) years of age, **if a firefighter, or ten (10) years of service at fifty (50) years of age, if a police officer.** If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse. For purposes of this subsection, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness resulting from:

(1) any action that the member, in the member's capacity as a police officer, is obligated or authorized by rule, regulation, condition of employment or service, or law to perform in the course of controlling or reducing crime or enforcing the criminal



1 law; or

2 (2) any action that the member, in the member's capacity as a
3 firefighter, is obligated or authorized by rule, regulation,
4 condition of employment or service, or law to perform while on
5 the scene of an emergency run (including false alarms) or on the
6 way to or from the scene.

7 **SECTION 8. [EFFECTIVE JULY 1, 1999] IC 36-8-8, as amended**
8 **by this act, applies only to a police officer who retires or becomes**
9 **disabled after June 30, 1999.**

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